

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16378 of 2005

DATED: 3.4.2006

Between:

P.Nagalaxmi petitioner

And

APSRTC

Rep by its Vice Chairman and Managing Director,

Musheerabad, Hyderabad and another Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO.16378 of 2005

ORAL ORDER:

The present writ petition is filed questioning the proceedings dated 14.2.2005 rejecting the claim of the petitioner for grant of additional monetary benefits of Rs.1,00,000/- as illegal and arbitrary.

The petitioner is widow sister of Mr.P.Krishnaiah – a driver in respondent corporation. While working as a driver, Mr.P.Krishnaiah died on 30.7.2002. The petitioner happens to be nominee of Mr.P.Krishnaiah and claims that she is solely dependent on his brother and due to his sudden death, she and her children are facing severe hardships. As per the nomination of Mr.P.Krishnaiah, the retirement benefits were paid to the petitioner. While so, the petitioner made a representation dated

16-10-2004 to the Regional Manager, Nellore Region for grant of additional monetary benefits in lieu of employment. By the impugned proceedings dated 14.2.2005, the Depot Manager rejected the claim of the petitioner on the ground that widow sister is not entitled for payment of additional monetary benefit. Hence, the present writ petition.

Learned counsel for petitioner submitted a widow sister is entitled to receive medical attendance benefits in terms of APSRTC Employees Medical Attendance Regulations, 1963 and since the petitioner is nominee of the deceased employee and solely depended on him, she is entitled to the monetary benefit in lieu of employment.

On the other hand, learned Standing Counsel for respondent corporation submitted that since widow sister is not eligible her claim for grant of additional monetary benefit in lieu of employment was rejected and the same cannot be said to be illegal.

Heard learned counsel for petitioner and learned Standing Counsel for respondent corporation.

The bread winner scheme is governed by Circular No. PD -30/00 dated 5.5.2000 and the eligibility to receive the benefits under the scheme reads as under;

“The spouse or one child (either son or unmarried daughter) of employee in harness be considered for appointment under Bread Winner Scheme provided:

- i. none of the child or spouse of the employee died in harness is already employed either in APSRTC or elsewhere.
- ii. The dependent child who attained the minimum age of 18 years as on the date of submission of application for consideration for the post o driver/conductor/shramik.
- iii. Applications seeking employment be submitted within a period of 3 years from the date of death of the employee.

As per the scheme, the spouse or one child of the employee died in harness be considered for appointment under Bread Winner Scheme, provided none of the child or spouse of the employee died in harness are employed either in APSRTC or elsewhere. Thus, the petitioner being a widow sister of the deceased employee does not fulfill the eligibility criteria. The bread winner scheme is governed by Circular

No. PD-30/2000 dated 5.5.2000 and the same cannot be compared with any other scheme, much less the medical attendance benefits provided by the corporation, where under a widow sister is entitled to receive medical benefits. Hence, the impugned proceedings dated 14.2.2005 rejecting the claim of the petitioner for grant of additional monetary benefits in lieu of employment cannot be said to be illegal.

The writ petition is devoid of any merit and accordingly, the same is dismissed. No costs.

N.V.RAMANA,J

DATE:3.4.2006

TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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